

(2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter

impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest.

Rule 24(b), which provides for permissive intervention, states in pertinent part:

(1) *In General.* On timely motion, the court may permit anyone to intervene who:

\* \* \*

(B) has a claim or defense that shares with the main action a common question of law or fact.

Whether automatic or permissive, the Court should grant the Motion to Intervene in order for Intervenor to protect and prosecute its attorney lien against Plaintiff Daryl P. Holman.

U.C.A. § 38-2-7(2) provides an attorney's fee lien for unpaid compensation due from the client on money owned by the client "that is the subject of or connected with work performed for the client." Further, subsection (4) allows an attorney to enforce a lien under this section "by moving to intervene in a pending legal action in which the attorney has assisted or performed work."

The legal services provided by Intervenor to Plaintiff which forms the basis for said lien and for the present Motion to Intervene is described in the Hill, Johnson & Schmutz, L.C.'s Notice of Attorney's Fees Lien which is filed concurrently herewith. In short, Plaintiff agreed to pay Intervenor an hourly fee as well as cover the unpaid legal bill of his deceased brother, Taylor Holman, as consideration for retaining the services of Intervenor in relation to the insurance policy in which Plaintiff is the beneficiary and in relation to potential rights or claims Stacy L. Holman may have to the proceeds of said policy. Without this promised consideration, Intervenor would not have agreed to an expedited engagement with Plaintiff relative to the dispute at issue herein. The insurance proceeds which are the subject of this litigation (and

which is the “property” or “moneys” at issue in U.C.A. § 38-2-7) were the subject of or connected with the legal work performed by Intervenor for Plaintiff.

Thus, the claim that Intervenor seeks to bring in this action is a foreclosure of its attorney’s fees lien. A copy of Intervenor’s Complaint is attached hereto as Exhibit A.

Accordingly, for Intervenor to adequately protect its interest in the insurance proceeds to be interpleaded into the Court, Intervenor requests that the Court grant its Motion to Intervene.

DATED this 6<sup>th</sup> day of July, 2010.

HILL, JOHNSON & SCHMUTZ, L.C.

/s/  
J. Bryan Quesenberry  
Counsel for Intervenor

**CERTIFICATE OF MAILING**

The undersigned hereby certifies that on the 6<sup>th</sup> day of July 2010, they caused a true and correct copy of the foregoing **MOTION TO INTERVENE** to be delivered to the following:

Matthew R. Lewis  
Michael K. Erickson  
RAY QUINNEY & NEBEKER P.C.  
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Sent Via:

\_\_\_\_\_ Hand -Delivery  
\_\_\_\_\_ Facsimile  
\_\_\_\_\_ US Mail

\_\_\_\_\_  
/s/